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ABSTRACT

Concerns that classroom teachers may have regarding the effect of Public Law 94-142 (Education for All Handicapped Children Act) on their responsibilities and their jobs are addressed. Answers are provided to 12 commonly asked questions about the meaning of various terms used in the law, the definition of handicapped student, aspects of Individualized Educational Plans for handicapped students, and recourses if handicapped children in regular classrooms exhibit problems. The paper concludes with a list of resources for further information on Public Law 94-142. (LP)

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PUBLIC LAW 94-142: WHAT DOES IT MEAN FOR THE CLASSROOM TEACHER?

For Your Information

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In 1975, Congress passed the Education for All Handicapped Children Act, commonly called Public Law 94-142 (the "94" indicates this law was passed by the 94th Congress and the "142" indicates it was the 142nd law passed by that session to be signed by the President).

The purpose of Public Law 94-142 is to:

a) assure that all handicapped children have available to them a free and appropriate education,
b) assure that the rights of handicapped children and their parents are protected,
c) provide financial assistance to states and localities for the education of all handicapped children, and
d) assess and assure the effectiveness of efforts to educate handicapped children.

This law affects not only special education personnel, but every person who comes into contact with handicapped children. This includes you, the regular classroom teacher. Often your role in this process is lost in the shuffle of parent rights, student rights, administrative responsibility, compliance monitoring, and other activities.

The purpose of this pamphlet is to highlight questions that are commonly asked by classroom teachers regarding how Public Law 94-142 affects them and their jobs. Please note that only federal requirements are covered in this publication. Check your state and local education agencies for additional regulations regarding the education of handicapped children in your area.

1. **What does free appropriate education mean?**

   The law makes provision for special education and related services at all levels of schooling for handicapped children who need these services. The "free" means provided at public expense, under public supervision and direction. The parents/guardians are not required to pay for special education services, but are required to pay for incidental fees that are normally charged nonhandicapped students or their parents as part of the regular education program.

   "Appropriate" indicates that the special education services are provided in conformity with an Individualized Educational Plan (IEP) written for each handicapped child. This IEP represents the most appropriate program for meeting the handicapped child's individual needs.

2. **I understand the various special education programs, but what are related services?**

   Related services are those additional services needed for the child to benefit from special education instruction. They include transportation as well as developmental, corrective, and other supportive services such as speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services that are for diagnostic or evaluation purposes. School health services, social work services in the schools, and parent counseling and training are also included.

3. **Who is a handicapped child under this law?**

Handicapped children are those that through evaluation have been identified as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities.

It is important to note that not all children who have handicaps will require special education. There are handicapped children who can and should attend school without program modification.

4. **What is an IEP, and how much should I be involved in its development?**

The IEP is an individualized educational plan written for each handicapped student, representing the most appropriate educational program for that student. Although the implementation methods differ state-to-state, there are components required in all IEPs. These include:

- A statement of the child's present level of educational performance,
- Annual goals and short term instructional objectives,
- Identification of special education and related services to be provided,
- A statement of the extent of participation in the regular education program,
- Projected date for initiation and expected duration of special services, and
- Objective criteria and evaluation procedures to determine whether or not instructional objectives are being met.

You will rarely be solely responsible for the writing of an IEP. If you are part of the IEP team, your input should always be sought because of your valuable knowledge regarding the student's performance in your class. Your expertise is very important, of course, when the student's disability is your area of instruction.

5. **Does the IEP cover all areas of education for a handicapped student?**

No. The IEP is developed for each student only in areas of education which need to be altered from the regular program because of the student's special individualized needs. For example, if a student has a special programming need in the area of reading, the IEP should cover only areas of the student's education program that need to be modified for the reading problem.

6. **Can I be held accountable if a handicapped child does not meet the stated goals on the IEP?**

No. The goals and objectives stated in the IEP are not legally binding, and the IEP is not a guarantee by any school or teacher that a student will progress at a specified rate.

The school and teacher are responsible, of course, for making sure that good faith efforts are made to meet the goals and objectives stated in the IEP. Parents do have the right to ask for revisions of their child's program, as well as to start due process procedures if they feel satisfactory efforts are not being made.

7. **Is Least Restrictive Environment (LRE) the same thing as Mainstreaming?**

Actually, mainstreaming is not even mentioned in the law. Although many use the terms synonymously, mainstreaming is the popular term for the concept of educating handicapped children in the regular classroom or mainstream of education.

8. **Does LRE mean that all handicapped children should be placed in the regular classroom?**

No. LRE reflects the intent to provide a regular classroom setting only to the extent apropriate for the handicapped student.

If the student's IEP cannot be successfully implemented in the regular class, then a more restrictive placement may be necessary. Public Law 94-142 recognizes that not all handicapped students benefit from a regular classroom environment.

9. **If the appropriate placement is determined as my classroom, does this mean the student should remain there even if it is obvious to me that he or she does not belong there?**

If a student is having a difficult time in your classroom even when you follow the methods and techniques suggested in the IEP, consult with your special education staff. They may be able to give you alternative ideas for instruction in helping the student cope in your classroom. If after sincere efforts are made to implement the IEP and you see no progress, you may want to suggest an IEP review to discuss what is happening and possible new approaches. Only after all possibilities and resources have been tried should the actual placement be reviewed.

10. **I do not feel qualified to teach the handicapped students in my room. What should I do?**

The state must insure that ongoing service training programs are available to all personnel who are engaged in the education of handicapped children. Ask your special education staff for help, and indicate to your supervisor your need for training. It is probable there is someone qualified in your district to help you with the training you need. Staff development is required by Public Law 94-142 and is an obligation to you as well as the handicapped children in your classroom.

11. **Does the law say anything about controlling class size?**

No. But if you believe that a large class size might affect the implementation of an IEP in the regular classroom, then you should discuss this at the IEP meeting.

12. **What if a handicapped child presents a very serious discipline problem in my classroom?**

    If after sincere, good faith efforts have been made to alleviate the discipline problem (assistance from special education staff, school counselors, etc.), it is clear that the student is so disruptive that the education of other students is significantly impaired, the placement would probably be considered inappropriate. The law specifically states that in selecting the least restrictive environment, consideration should be given to any potentially harmful effect on the student or the quality of the services which he or she needs.

Because Public Law 94-142 does indeed affect you in your classroom, you may want a copy of your state and local guidelines for its implementation. Contact your state or local education agency to obtain a copy of each and read them carefully. Other sources you may find useful include:

1. **Clarification of P.L. 94-142 for the Classroom Teacher.** Smith, Shirley. Research for Better Schools, Inc., 444 North Third Street, Philadelphia, Pennsylvania 19123. 57 pages.
2. **Education of All Handicapped Children Act (P.L. 94-142): What It Means to You.** Hancock. P.J. Eye Gate Media, 146-01 Archer Ave., Jamaica, New York 11435. 1977. Cost — Two film strips with one cassette and handbook for $24.90.
3. **The Education for All Handicapped Children Act (P.L. 94-142): Preserving both Children's and Teacher's Rights.** Rauth, Marilyn. American Federation of Teachers, AFL-CIO, 11 Dupont Circle, N.W., Washington, D.C. 20036. 9 pages. Single copy free.
4. **Implementing Procedural Safeguards: A Guide for Schools and Parents.** Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091. 1977. Media kit with three filmstrips —$90.00.
5. **The Public Law Supporting Mainstreaming: A Guide for Schools and Parents.** Parks, Lee; Rousseau, Marilyn. Teaching Resource Corporation, 50 Pond Park Road, Hinghan, Massachusetts 02043. 1977. 92 pages. Cost — $7.50.